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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,406	08/01/2003	Clifford H. Kraft		2935

7590  
Clifford Kraft  
320 Robin Hill Dr.  
Naperville, IL 60540

12/19/2006

EXAMINER
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GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/632,406

Applicant(s)

KRAFT, CLIFFORD H.

Examiner

Erika A. Gary

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 21 is objected to because of the following informalities: all occurrences of "said telephone service facility" should be "said telephone service provider"; all occurrences of "cellular handset" and "telephone handset" should be "mobile telephone handset" to ensure proper antecedent basis. Appropriate correction is required.
2. Claim 21 is objected to because of the following informalities: on page 3, line 6, "than" should be "then". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herle et al., US Patent Application Publication Number 2003/0035544 (hereinafter Herle) in view of Ross, US Patent Application Publication Number 2003/0236095 (hereinafter Ross) and Wilson et al., US Patent Application Publication Number 2004/0203903 (hereinafter Wilson).

Regarding claim 21, Herle discloses a telephone location system comprising: a plurality of mobile telephone handsets; a telephone service provider providing telephone location services in communication with said handset wherein, said telephone service provider is able to geographically locate said handset, a handset owner being able to block location of said handset wherein said telephone service provider blocks location determination; said telephone service provider accepting a request from a consumer to locate a particular mobile telephone handset, said telephone service provider determining a geographic location of said particular mobile telephone handset when said user allows such determination; said telephone service provider then communicating said mobile telephone handset location to said consumer; wherein a particular consumer, by sending a predetermined message to said telephone service provider, can cause said telephone service provider to locate said telephone handset even when said handset owner has blocked location of said handset [paragraphs 0006, 0024, 0026, 0027, 0036, 0050; abstract].

What Herle does not specifically disclose is that the mobile telephone handset location is returned to the consumer in relational form by written description and shown on a map. However, Ross teaches this limitation [paragraph 0019].

Also, Herle does not specifically disclose that the user is able to block location of their handset for a time duration determined by said user by an action taken by said user directly on said handset, said action causing said handset to send a message to said telephone service provider, wherein said telephone service provider blocks location

determination. However, Wilson teaches this limitation [abstract; paragraphs 0120, 0156 – 0158, 0167].

Herle, Ross, and Wilson are combinable because they are from the same field of endeavor, that is, managing location information associated with mobile communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Herle to include Ross and Wilson. The motivation for this combination would have been to allow the user automatic privacy control, as suggested by Wilson [paragraph 0167] and provide various forms of location information, as suggested by Ross [paragraph 0053].

Regarding claim 22, Ross discloses said telephone service provider returns a longitude and latitude representing the location of said handset to said consumer [paragraph 0028].

Regarding claim 23, Ross discloses the telephone handset location is returned to said consumer by voice description [paragraph 0053].

Regarding claims 24 and 25, Herle discloses said predetermined message is a PIN or password [paragraphs 0036, 0050].

### ***Conclusion***


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
December 11, 2006

  
ERIKA A. GARY  
PRIMARY EXAMINER